IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.2174 OF 2005
IN
SECOND APPEAL NO.1543 OF 2005

Sakharam Jakanna Chambhar & Ors. ...Appellants
Vs.
Deu Jakanna Chambhar & Ors. ...Respondents

Shri S.M. Railkar for the Appellants.
Shri Peshwe i/by Ms Pama Deshpande for the Respondents.

CORAM : A.S. OKA, J.
DATE : MARCH 06, 2006.

P.C.:

1. Heard Shri Railkar appearing for the Applicants. Prayer (a) in this Application is for stay of execution of the impugned Judgments and Decrees. The Trial Court passed a decree against the Applicants restraining them from causing obstruction to the possession of the original plaintiffs over the suit property. There is nothing on record to show that the said decree was stayed during the pendency of Appeal in the District Court. Apart from this fact, the Appeal in the First Appellate Court has been dismissed on 19th September, 2005 and atleast from that date the decree of perpetual injunction is operating. In view of this position, prayer clause (a) cannot be granted.

2. So far as prayer (b) is concerned, the prayer is for directing the parties to maintain status-quo.

In my view, the prayer is very vague and cannot be granted.

3. Hence, the Application deserves to be rejected as both the prayers made therein cannot be granted. Application is rejected. Rejection of the Application will not preclude the Applicants from taking out appropriate Application for seeking any other appropriate interim relief.

JUDGE